

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF ARIZONA**

3           IN RE BARD IVC FILTERS  
4           PRODUCTS LIABILITY LITIGATION  
5           This Document Relates to Plaintiff Aldona  
6           Lulie, 2:17-cv-00193-DGC

No. MD-15-02641-PHX-DGC

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8                                   **PLAINTIFF’S UNOPPOSED MOTION TO SUBSTITUTE PARTY**  
9                                   **AND AMEND THE COMPLAINT**

10           Plaintiff Aldona Lulie, by and through undersigned counsel, and pursuant to FRCP  
11           25(a) and 15(a)(2) hereby move the Court to substitute Jerald Lulie, Expected  
12           Administrator of the Estate of Aldona Lulie, as Plaintiff by way of an Amended Short  
13           Form Complaint in the form attached hereto as Exhibit 1, and in support, states as  
14           follows:  
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- 16           1. Plaintiff Aldona Lulie was implanted with a Bard IVC Filter and subsequently  
17           discovered her injuries in 2017. Plaintiff retained undersigned counsel, who filed a  
18           Complaint on her behalf against the Defendants for Aldona Lulie’s IVC Filter-  
19           related injuries.  
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21           2. Plaintiff Aldona Lulie unexpectedly passed away March 6, 2017.  
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23           3. Plaintiff’s counsel recently learned of Mrs. Lulie’s passing.  
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25           4. Jerald Lulie is the Expected Administrator of the Estate of Aldona Lulie.  
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27           5. Federal Rule of Civil Procedure 25(a)(1) provides that “if a party dies and the  
28           claim is not extinguished, the court may order substitution of the proper party. A

1 motion for substitution may be made by any party or by the decedent's successor  
2 or representative."

3 6. Plaintiff hereby submits an Amended Short Form Complaint, attached hereto as  
4 Exhibit 1, which substitutes Jerald Lulie, Expected Administrator of the Estate of  
5 Aldona Lulie, as Plaintiff.

6 7. The death certificate of Aldona Lulie is attached as Exhibit A to the Amended  
7 Short Form Complaint.

8 8. The Suggestion of Death for Aldona Lulie was filed contemporaneously herewith.

9 9. Counsel for Defendants has indicated that they have no objection to this motion.

10 WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff's Unopposed  
11 Motion to Substitute Party and Amend the Complaint and order the Clerk to file the  
12 Amended Short Form Complaint, attached hereto as Exhibit 1.

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18 DATED: 08/02/2018

Respectfully Submitted,

19 /s/ Marlene J. Goldenberg  
20 Stuart L. Goldenberg (*pro hac vice*)  
21 Marlene J. Goldenberg (*pro hac vice*)  
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